

REMARKS

Claims 1-6 and 16-23 are now in the application. Claim 1 has been amended and claims 16-23 have been added.

Applicant respectfully requests reconsideration of this application for the reasons given below.

Claim 5 of the application was rejected under both Sections 101 and 112 of 35 U.S.C. The grounds in both cases are apparently that referring to method steps in an apparatus claim makes the claim non-statutory (101) or indefinite (112). However, in a product-by-process claim, the structure of an invention is properly claimed by listing the steps of its manufacture.

Claim 5 reads:

The compound press-forming apparatus of claim 2, wherein said work to be conducted by the press working is a door inner panel for vehicles, steps of drawing and excising are conducted to a flat portion of said inner panel by said press working of the upper and lower dies, whereas a step of excising is conducted to a side-face portion of the door inner panel by said side-face press working of the side-face working apparatus and the lower die.

It is clear from the initial phrase that the claim is directed to the apparatus of claim 2, which is statutory subject matter. The remainder of the claim merely clarifies the portions of the apparatus that are operated in carrying out specific steps in making a door panel. This does not make the claim non-statutory, nor does it make the claim indefinite. The invention being claimed is still the compound press forming-apparatus and it is further distinguished by the operation of its various portions. Withdrawal of these rejections is requested.

Claims 1, 2 and 5 were rejected under 35 U.S.C, 102(b) as being anticipated by US 6,530,255 Usui et al (Usui). The rejections are traversed and reconsideration is requested.

Usui states,

“The finish bender 50 is made up of a guide 51 disposed on the left side of the lower die 47, a moving member 52 movable on the guide 51, and a finish bending blade 53 attached to an inner end of the moving member 52. The piercer is made up of a guide 56 disposed on the right side of the lower die 47, a moving member 57 movable on the guide 56, and a hole making punch 58 attached to an inner side end of the moving member 57.” (col. 4, line 66 to col. 5, line 6).

The descriptions of the moving members 52 and 57, which the drawings show are slidable on fixed guides 51 and 56, do not reasonably anticipate claim 1, which calls for “a rotating base that is supported on the fixed side portion of the press machine so as to rotate thereon.” This terminology reasonably calls for the rotating base to rotate “on” the side portion of the press machine, which the sliding action of the moving members 52, 57 of Usui does not meet. The rotating action of the base as described in the claim clearly applies to how the base moves (i.e. rotate on the side portion), not to when it moves. Therefore the definition of “rotate” (operation in turn) does not apply to the claim and Webster’s first definition (to turn about an axis or center) is the appropriate definition.

Further, the finish-bending blade 53 of Usui is attached to an inner end of the moving member 57 as noted above. Thus, the blade 53 is not a reciprocating base that reciprocates on the member 52 as alleged in the Office Action.

In addition, Usui does not meet the terms of claims 1 or 2 in that the side face working apparatus operates while the upper die 47 remains in a lowered position, holding the work on the lower die, as is clear from FIG. 4. Therefore, the side-face working portion of Usui is never in the way of the upper die going up and down so it does not move to an avoidance position in which the upper die can be lowered and it does not move to a working capable position after the upper die goes up (as claim 1 recites) since it is always in a working capable position.

As to claim 2, its recitations are not met by Usui since their side-face apparatus does not move between avoidance and working capable positions, nor do so "according to the rotation of said rotating base," which does not exist in Usui.

As to claim 5, the method steps are exemplary of one use of the apparatus and the claim is considered allowable by dependency from claims 2 and 1. Accordingly, withdrawal of the rejections of claims 1, 2 and 5 is requested.

In view of all the foregoing, applicant requests withdrawal of all rejections applied to claims 1-6 of the present application and allowance of the claims.

Claim 1 has been amended only to include all the limitations of new claim 16, which is submitted as a base independent claim generic to all the other claims in the application, including independent claims 1 as amended, and 16, newly added. Thus, claim 16 reads on both the previously elected claims 1-6 and the newly added claims 17-23.

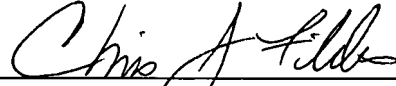
The new claims 17-23 are based upon the previously cancelled claims 7-13 and are believed to clearly distinguish over the prior art for essentially the same reasons that claims 1-6, as discussed above, are considered to distinguish. Should claim 16 be found allowable, then all of the previous claims 1-6 as well as the new claims 17-23 should also be found allowable. Thus, examination of all the claims currently in the application would appear to be in order and is respectfully requested.

This amendment and request for reconsideration is believed to be fully responsive to the issues raised in the Office Action and to place this application in condition for allowance. Favorable action is requested.

Respectfully submitted,

Hiroshi Tokuda

Fildes & Outland, P.C.

A handwritten signature in black ink, appearing to read "Chris J. Fildes", written over a horizontal line.

Christopher J. Fildes, Attorney

Registration No. 32,132

20916 Mack Avenue, Suite 2

Grosse Pointe Woods, MI 48236

(313) 885-1500